

ESTTA Tracking number: **ESTTA147364**Filing date: **06/22/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Nautica Apparel, Inc.
Granted to Date of previous extension	06/23/2007
Address	40 West 57th Street New York, NY 10019 UNITED STATES

Attorney information	Stephen L. Baker Baker and Rannells PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES b.gaynor@br-tmlaw.com, s.baker@br-tmlaw.com, k.hnasko@br-tmlaw.com Phone: 908-722-5640
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Applicant Information

Application No	78968551	Publication date	04/24/2007
Opposition Filing Date	06/22/2007	Opposition Period Ends	06/23/2007
Applicant	Tokumi, Shauna 649 N. Rossmore Avenue #200 Los Angeles, CA 90004 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2003/01/01 First Use In Commerce: 2003/01/15

All goods and services in the class are opposed, namely: Entertainment services in the nature of live acting, dancing performances and modeling for adult performances, and public appearances of a star of adult movies; entertainment services, namely providing visual pictures and images in the field of adult entertainment via the internet

Grounds for Opposition

Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77085787	Application Date	01/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Flotation vests; Life jackets; Life preservers; Swim goggles; Swim masks		

U.S. Registration No.	3233030	Application Date	05/17/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches		

U.S. Registration No.	2865299	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows		

U.S. Registration No.	2731466	Application Date	02/16/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Mattress pads and bed vests		

U.S. Registration No.	3114862	Application Date	08/27/2003
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS

U.S. Registration No.	2865300	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS		

U.S. Registration No.	1862585	Application Date	11/23/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear		

U.S. Application No.	77085720	Application Date	01/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Wet suit gloves; Wet suits; Wet suits for water-skiing and sub-aqua		

U.S. Application No.	78763730	Application Date	11/30/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use:		

	Plush toys; Stuffed toy animals; Toy vehicles		
U.S. Registration No.	2865229	Application Date	07/29/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS		
U.S. Application No.	77085766	Application Date	01/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: Floating recreational lounge chairs; Floats for recreational use, namely, ARM FLOATS, FOAM FLOATS, SWIM FLOATS; Inflatable float mattresses or pads for recreational use; Inflatable inner tubes for aquatic recreational use; Inflatable mattresses for recreational use; Inflatable ride-on toys; Kick board flotation devices for recreational use; Paddle boards; Swim boards for recreational use; Swim fins; Swim floats for recreational use; Swimming aids, namely POOL RINGS, ARM FLOATS FOR RECREATIONAL USE; Trampolines Class 030. First use: Floating islands		
U.S. Registration No.	3232846	Application Date	02/28/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products		
U.S. Registration No.	3114379	Application Date	12/01/2005
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Financial sponsorship of sporting events, tournaments, competitions and contests Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Organizing and operating sporting events, tournaments, competitions and contests

U.S. Registration No.	2304411	Application Date	09/18/1995
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28 lamps		

U.S. Registration No.	3109967	Application Date	06/04/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BEACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Clothing, namely, men's, women's and children's bathing suits, swim trunks, swim suits, beach cover-ups, shorts, pants, woven and knitted shirts, warm-up suits, sweat shirts and pants and bathing caps		

U.S. Registration No.	2639939	Application Date	03/27/1998
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	NAUTICA BEDWEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 BED PILLOWS Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DOWN COMFORTERS, MATTRESS PADS		

U.S. Application No.	78963691	Application Date	08/30/2006
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NAUTICA BERMUDA BLUE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: Body lotions; Body powder; Body spray used as a personal deodorant and as fragrance; Perfumery; Soaps for personal use

U.S. Registration No.	2476203	Application Date	10/12/1998
Registration Date	08/07/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA BERMUDA TABLEWARES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1998/06/00 First Use In Commerce: 1999/02/00 FORKS, TABLE KNIVES AND SPOONS Class 021. First use: First Use: 1998/06/00 First Use In Commerce: 1999/02/00 NAPKIN HOLDERS, NAPKIN RINGS NOT OF PRECIOUS METAL, SERVING PLATTERS, SERVING SPOONS, DECANTERS, GLASSES, DISHES, STIRRERS, SHAKERS AND BOWLS		

U.S. Registration No.	3170055	Application Date	06/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	2993023	Application Date	03/13/2002
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	The mark is presented in standard characters, without claim to any particular font, style, size or color		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear		

U.S. Registration No.	2987139	Application Date	03/14/2002
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Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 MEN'S, WOMEN' AND CHILDREN'S WEARING APPAREL, NAMELY, UNDERSHIRTS, T-SHIRTS, SHIRTS, BLOUSES, PANTS, SHORTS BATHING SUITS AND SWIMWEAR		

U.S. Registration No.	3076597	Application Date	04/12/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner		

U.S. Registration No.	3076794	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases		

U.S. Registration No.	3076796	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear		

U.S. Registration	1523565	Application Date	03/31/1987
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No.			
Registration Date	02/07/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS		

U.S. Application No.	78275470	Application Date	07/17/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: Handbags, tote bags, backpacks, luggage, wallets, purses, key cases, brief cases, duffel bags, all-purpose sport bags, business card cases, credit card cases, briefcase-type portfolios, billfolds, attaché cases, key cases, passport holders, suit bags, waist and fanny packs; trunks, travel bags, hat boxes for travel, leather key chains, luggage tags, overnight bags and cases, cosmetic, toiletry and vanity cases sold empty; umbrellas; canes, and walking sticks		

U.S. Application No.	78275303	Application Date	07/17/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars		

U.S. Application No.	78912365	Application Date	06/20/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA ISLAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Blazers; Caps ; Coats; Hats; Jackets; Pants; Shirts; Shorts; Sweaters;		

	Swimsuits; T-shirts		
U.S. Registration No.	2474154	Application Date	03/19/1999
Registration Date	07/31/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS		
U.S. Registration No.	2523102	Application Date	03/19/1999
Registration Date	12/25/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS COMPANY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS		
U.S. Application No.	78713715	Application Date	09/15/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA NAVY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Blouses; Coats; Gloves; Hats; Jackets; Jeans; Men's suits, women's suits; Pajamas; Pants; Scarves; Shirts; Shoes; Shorts		
U.S. Application No.	77081234	Application Date	01/11/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA OPTIONS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants

U.S. Registration No.	3232827	Application Date	02/14/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA PERFORMANCE TRAVEL GEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 Briefcases; Duffel bags; Garment bags for travel; Handbags; Knapsacks; Leather shopping bags; Luggage; Shopping bags with wheels attached; Suitcases; Textile shopping bags; Trunks; Wallets		

U.S. Registration No.	1580007	Application Date	08/09/1988
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, CALENDARS, AND PHONEBOOK COVERS MADE OF LEATHER OR IMITATION LEATHER Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS		

U.S. Registration No.	2246317	Application Date	09/18/1995
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases; and picture frames		

U.S. Registration	2306324	Application Date	09/18/1995
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No.			
Registration Date	01/04/2000	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverageware; dinnerware; coasters (not of paper or linen); paper plates; paper cups; candlesticks not of precious metal		

U.S. Registration No.	2247914	Application Date	09/18/1995
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 table liners, table mats not of paper; place mats not of paper; table napkins not of paper; pot holders; oven mitts; table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings		

U.S. Registration No.	1464663	Application Date	11/20/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, JACKETS, PANTS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS		

U.S. Registration No.	2242969	Application Date	09/18/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering		

U.S. Registration No.	1557528	Application Date	08/09/1988
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Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE		

U.S. Registration No.	1882757	Application Date	02/04/1993
Registration Date	03/07/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap		

U.S. Registration No.	1873011	Application Date	11/12/1991
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 tie clips and collar pins Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing[; hair accessories; namely, barrettes and hairbands]		

U.S. Registration No.	2292976	Application Date	09/18/1995
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1998/11/00 First Use In Commerce: 1999/03/00 tableware, namely forks, knives and spoons		

U.S. Registration No.	1553539	Application Date	06/24/1988
Registration Date	08/29/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGLASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES AND STRAPS		

U.S. Registration No.	3170094	Application Date	07/12/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA VOYAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	3165353	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Lamp shades; Lamps		

U.S. Registration No.	3165351	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts		

U.S. Registration No.	3168753	Application Date	02/07/2006
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Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests		

U.S. Registration No.	3165354	Application Date	04/26/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings		

U.S. Registration No.	3165352	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toy mobiles		

U.S. Registration No.	3165348	Application Date	04/11/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Retail apparel stores; Retail clothing stores; Retail department stores		

U.S. Application No.	77081223	Application Date	01/11/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICARE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants

Attachments	77085787#TMSN.jpeg (1 page)(bytes) 78885472#TMSN.jpeg (1 page)(bytes) 76371274#TMSN.gif (1 page)(bytes) 77085720#TMSN.jpeg (1 page)(bytes) 78763730#TMSN.jpeg (1 page)(bytes) 77085766#TMSN.jpeg (1 page)(bytes) 78825489#TMSN.jpeg (1 page)(bytes) 78764381#TMSN.jpeg (1 page)(bytes) 78963691#TMSN.jpeg (1 page)(bytes) 78647283#TMSN.jpeg (1 page)(bytes) 78114601#TMSN.gif (1 page)(bytes) 78606800#TMSN.jpeg (1 page)(bytes) 78613836#TMSN.jpeg (1 page)(bytes) 78614003#TMSN.jpeg (1 page)(bytes) 73652468#TMSN.gif (1 page)(bytes) 78912365#TMSN.jpeg (1 page)(bytes) 75664161#TMSN.gif (1 page)(bytes) 78713715#TMSN.jpeg (1 page)(bytes) 77081234#TMSN.jpeg (1 page)(bytes) 78814361#TMSN.jpeg (1 page)(bytes) 73745061#TMSN.gif (1 page)(bytes) 74730051#TMSN.jpeg (1 page)(bytes) 74730052#TMSN.jpeg (1 page)(bytes) 74730054#TMSN.jpeg (1 page)(bytes) 73631447#TMSN.jpeg (1 page)(bytes) 74730053#TMSN.jpeg (1 page)(bytes) 74220315#TMSN.gif (1 page)(bytes) 74730265#TMSN.gif (1 page)(bytes) 73737613#TMSN.gif (1 page)(bytes) 78668277#TMSN.jpeg (1 page)(bytes) 78868779#TMSN.jpeg (1 page)(bytes) 78868734#TMSN.jpeg (1 page)(bytes) 78809150#TMSN.jpeg (1 page)(bytes) 78869724#TMSN.jpeg (1 page)(bytes) 78868759#TMSN.jpeg (1 page)(bytes) 78858780#TMSN.jpeg (1 page)(bytes) 77081223#TMSN.jpeg (1 page)(bytes) Notice of Opp 6-22-07.pdf (8 pages)(32865 bytes)
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Signature	/stephen baker/
Name	Stephen L. Baker
Date	06/22/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NAUTICA APPAREL, INC.,

Opposer,

Mark: NAUTICA THORN

v.

Serial No.: 78968551

SHAUNA TOKUMI

Filed: September 6, 2006

Applicant.

NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063

Opposer, Nautica Apparel, Inc., by its attorneys Baker and Rannells, PA, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 78968551 to proceed to registration will cause Opposer damage.
2. Opposer, Nautica Apparel, Inc., is a corporation organized and existing under the laws of the State of Delaware, doing business at 40 West 57th Street, New York, New York 10019.
3. Applicant, Shauna Tokumi (“Applicant”), is an individual with an address of 649 N. Rossmore Avenue #200, Los Angeles, California 90004.
4. On September 6, 2006, Applicant filed Application Serial No. 78968551 for NAUTICA THORN (“Applicant’s Mark”) as a trademark for “Entertainment services in the nature of live acting, dancing performances and modeling for adult performances,

and public appearances of a star of adult movies; entertainment services, namely providing visual pictures and images in the field of adult entertainment via the internet” in International Class 41 (“Applicant’s Services”). Such application was published for opposition in the Official Gazette on April 24, 2007 and the time to oppose having been extended to Opposer.

5. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes, including the NAUTICA marks, marks that contain the word NAUTICA and variations thereof (“Opposer’s Marks”) as trademarks, trade names, and as service marks. Examples of Opposer’s Marks are as follows:

Trademark	Serial No.	Application Date	Registration No.	Registration Date	Class	Trademark
NAUTICA	77085787	18-Jan-2007			9	Pending
NAUTICA	78885472	17-May-2006	3233030	24-Apr-2007	14	Registered
NAUTICA	78293501	28-Aug-2003	2865299	20-Jul-2004	20	Registered
NAUTICA	76/371274	16-Feb-2002	2731466	1-Jul-2003	24	Registered
NAUTICA	78292765	27-Aug-2003	3114862	11-Jul-2006	24	Registered
NAUTICA	78293506	28-Aug-2003	2865300	20-Jul-2004	24	Registered
NAUTICA	74462464	23-Nov-1993	1862585	15-Nov-1994	25	Registered
NAUTICA	77085720	18-Jan-2007			25	Pending
NAUTICA	78763730	30-Nov-2005			28	Pending
NAUTICA	78280401	29-Jul-2003	2865229	20-Jul-2004	28	Registered
NAUTICA	77085766	18-Jan-2007			28	Pending
NAUTICA	78825489	28-Feb-2006	3232846	24-Apr-2007	35	Registered
NAUTICA	78764381	1-Dec-2005	3114379	11-Jul-2006	41	Registered
NAUTICA	74730271	18-Sep-1995	2304411	28-Dec-1999	11	Registered
NAUTICA BEACH	78258096	4-Jun-2003	3109967	27-Jun-2006	25	Registered

NAUTICA BEDWEAR	75/458277	27-Mar-1998	2639939	22-Oct-2002	20, 24	Registered
NAUTICA BERMUDA BLUE	78963691	30-Aug-2006			3	Pending
NAUTICA BERMUDA TABLEWARES	75569530	12-Oct-1998	2476203	7-Aug-2001	8, 21, 24	Registered
NAUTICA BLUE	78647283	9-Jun-2005	3170055	7-Nov-2006	3	Registered
NAUTICA BLUE	78/114601	13-Mar-2002	2993023	6-Sep-2005	25	Registered
NAUTICA BLUE	78/114981	14-Mar-2002	2987139	23-Aug-2005	25	Registered
NAUTICA COMPETITION	78606800	12-Apr-2005	3076597	4-Apr-2006	3	Registered
NAUTICA COMPETITION	78613836	21-Apr-2005	3076794	4-Apr-2006	18	Registered
NAUTICA COMPETITION	78614003	21-Apr-2005	3076796	4-Apr-2006	25	Registered
NAUTICA EMBLEM	73652468	31-Mar-1987	1523565	7-Feb-1989	25	Registered
NAUTICA GOLF	78275470	17-Jul-2003			18	Pending
NAUTICA GOLF	78275303	17-Jul-2003			25	Pending
NAUTICA ISLAND	78912365	20-Jun-2006			25	Pending
NAUTICA JEANS	75664161	19-Mar-1999	2474154	31-Jul-2001	25	Registered
NAUTICA JEANS COMPANY	75663915	19-Mar-1999	2523102	25-Dec-2001	25	Registered
NAUTICA NAVY	78713715	15-Sep-2005			25	Pending
NAUTICA OPTIONS	77081234				25	Pending
NAUTICA PERFORMANCE TRAVEL GEAR	78814361	14-Feb-2006	3232827	24-Apr-2007	18	Registered
NAUTICA	73745061	30-Jan-1990	1580007	30-Jan-1990	16 18 25	Registered
NAUTICA	74730051	18-Sep-1995	2246317	18-May-1999	20	Registered
NAUTICA	74730052	18-Sep-1995	2306324	4-Jan-2000	21	Registered
NAUTICA	74/730054	18-Sep-1995	2247914	25-May-1999	24	Registered
NAUTICA	73631447	20-Nov-1986	1464663	10-Nov-1987	25	Registered
NAUTICA	74730053	18-Sep-1995	2242969	4-May-1999	27	Registered
NAUTICA	73745058	9-Aug-1988	1557528	26-Sep-1989	3	Registered

NAUTICA	74355511	4-Feb-1993	1882757	7-Mar-1995	3	Registered
NAUTICA	74220315	12-Nov-1991	1873011	10-Jan-1995	6 14 18 26	Registered
NAUTICA	74730265	18-Sep-1995	2292976	16-Nov-1999	8	Registered
NAUTICA	73737613	24-Jun-1988	1553539	29-Aug-1989	9	Registered
NAUTICA VOYAGE	78668277	12-Jul-2005	3170094	7-Nov-2006	3	Registered
NAUTICAKIDS	78868779	25-Apr-2006	3165353	31-Oct-2006	11	Registered
NAUTICAKIDS	78868734	25-Apr-2006	3165351	31-Oct-2006	24	Registered
NAUTICAKIDS	78809150	7-Feb-2006	3168753	7-Nov-2006	25	Registered
NAUTICAKIDS	78869724	26-Apr-2006	3165354	31-Oct-2006	27	Registered
NAUTICAKIDS	78868759	25-Apr-2006	3165352	31-Oct-2006	28	Registered
NAUTICAKIDS	78869724	26-Apr-2006	3165354	31-Oct-2006	27	Pending
NAUTICAKIDS	78858780	11-Apr-2006	3165348	31-Oct-2006	35	Registered
NAUTICARE	77081223	11-Jan-2007			25	Pending

Hereinafter the goods and services recited in Opposer's Marks are referred to as "Opposer's Goods and Services".

6. As listed above, Opposer owns Reg. No. 3114379 for the mark NAUTICA for "organizing and operating sporting events, tournaments, competitions and contests" in class 41, which was registered on July 11, 2006 and has a date of first use of October 1, 1991.

7. Upon information and belief, prior to Applicant's first use of the applied-for mark and prior to her filing the application herein opposed, Applicant was on actual notice of Opposer's prior rights in Opposer's Marks. As a matter of law, by virtue of Opposer's registrations, Applicant was on constructive notice of Opposer's rights in Opposer's Marks at the time Applicant filed her application for Applicant's Mark.

8. Applicant's real name is not Nautica Thorn. To the extent she has adopted this as a stage or performance name, this occurred with knowledge of Opposer's rights in and use of Opposer's Marks.

9. Opposer's Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer's Marks, and Opposer's Marks are famous.

10. Opposer is now and has been for many years trading as and known by Opposer's Marks, identifying Opposer as the source of organizing and/or sponsoring entertainment and sporting events, as well as high quality apparel, accessories and other goods and services.

11. Opposer offers wholesome entertainment services, with such services categorized in the same international class as Applicant's Services, i.e. class 41.

12. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Marks for Opposer's Goods and Services.

13. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of a wide variety of goods and services under Opposer's Marks, including organizing and/or sponsoring entertainment and sporting events.

14. Since long prior to any date which may be claimed by Applicant, Opposer on its own behalf has been, and is now engaged in the sale of a wide variety of goods and services under Opposer's Marks in interstate commerce, including organizing and/or sponsoring entertainment and sporting events.

15. The use by Opposer of Opposer's Marks for Opposer's Goods and Services alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

COUNT I
(Likelihood of Confusion)

16. Opposer's Marks and Applicant's Mark are substantially identical and confusingly similar when applied to the goods and services of the parties.

17. The goods and services of Applicant and Opposer are the same or substantially similar or within Opposer's ever expanding natural progression of goods and services and channels of trade and Applicant's intended use of Applicant's Mark in connection with such services is without the consent or permission of Opposer.

18. Since Opposer owns Opposer's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

19. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Services are provided by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), all to Opposer's irreparable damage.

COUNT II
(Dilution)

20. As a result of Opposer's long use, extensive advertising and promotion, and successful sales for at least 20 years, Opposer's Marks have become distinctive and famous, long prior to the filing of Applicant's trademark application, or any date which may be claimed by Applicant.

21. The association which would arise from the similarity between Applicant's Mark and Opposer's famous marks will harm the reputation of Opposer and Opposer's Marks.

22. There is an overwhelming likelihood that this association will impugn Opposer's goods and services and injure its business reputation.

23. The registration of Applicant's Mark may cause Opposer's famous marks to become associated with pornographic material that is fundamentally inconsistent with the otherwise wholesome and commercial nature of Opposer's business and reputation.

24. Applicant's use of Opposer's famous trademark to purvey pornography constitutes dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c), all to Opposer's irreparable damage.

25. Applicant's graphic, sexually explicit uses of Opposer's famous trademark tarnishes Opposer's Marks.

26. The registration of Applicant's Mark will cause the dilution by tarnishment of the distinctive quality of Opposer's Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c), all to Opposer's irreparable damage.

COUNT III
(Disparagement; immoral, and scandalous matter)

27. Applicant's services consist of and comprise immoral and scandalous matter, and matter which may disparage or falsely suggest a connection with Opposer, and will bring Opposer into contempt or disrepute, in violation of §2(a) of the Lanham Act, 15 U.S.C. §1052(a), all to Opposer's irreparable damage.

28. Applicant's services are pornographic, a sample of which can be viewed at Applicant's Internet web site, www.nauticathornxxx.com, and will harm the reputation of

Opposer and Opposer's Marks, and will impugn Opposer's goods and services and injure its business reputation.

29. Opposer believes that it is and will be damaged by registration of the mark applied for by Applicant.

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 78816084 be denied and that this Opposition be sustained.

Dated: June 22, 2007

Respectfully submitted for Opposer,

Nautica Apparel, Inc.

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